

CHAPTER 67-15-02
RECONFIGURATION OF INSTRUCTIONAL DAYS FOUR-DAY SCHOOL WEEK

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67-15-02-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Applicant" means a school seeking approval for ~~reconfiguration of instructional days to operate under a four-day school week.~~

2. "Curricular instruction", as used in subsection 2 of North Dakota Century Code section 15.1-06-04, means the actual class period, including study hall, but does not include time to pass between classes, lunch periods, or other time that is not devoted directly to student instruction.

2. "Four-day school week" means a school calendar where fifty percent or more of the calendar weeks consist of fewer than five days of instruction.

3. "School" means a public school located in North Dakota and subject to the regulatory authority of the state of North Dakota.

4. "Superintendent" means the superintendent of public instruction.

5. "Educational Outcomes" means either the school's performance on the state's accountability performance system or quantifiable metrics in a school's strategic plan.

History: Effective June 1, 2002; amended effective October 1, 2006; October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-06-08.1

67-15-02-02. Eligibility for reconfigured four-day school week calendar.

Upon approval by the superintendent, ~~any a~~ school may reconfigure the number of school days required by North Dakota Century Code section 15.1-06-04 operate under a four-day school week if the school reconfiguration complies with this chapter and North Dakota Century Code sections 15.1-21-03, 15.1-21-04, ~~and 15.1-06-03, and 15.1-06-04.~~

History: Effective June 1, 2002; amended effective October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-03. Application.

~~The online application~~ Application for a reconfigured calendar must be made on SFN 58170 which ~~waiver to operate under a four-day school week~~ is available on the department of public instruction's web site. The application must include the school name, signatures of the administrator and board chairman, and the information that is responsive to the considerations to be made by the superintendent, including how the proposed reconfigured four-day school week calendar relates to the criteria listed in section 67-15-02-05. At a minimum, each applicant shall include the following in the application:

1. The goals and objectives of the ~~reconfiguration program~~ four-day school week;
2. Documentation of community input into the proposed ~~program~~ four-day school week, including written correspondence on the subject, summaries of oral contacts, and a summary of any discussions at public meetings or hearings;
3. ~~A cost-benefit study, including potential for savings in transportation and energy costs;~~
4. ~~3.~~ The number of hours of instructional time for the most recent school year completed prior to the application;
5. ~~4.~~ A proposed school calendar that will assure middle and high school students will receive one thousand fifty hours of instructional time and elementary students will receive nine hundred sixty-two and one-half hours of instructional time;
6. ~~5.~~ A class schedule for each grade level;
7. ~~6.~~ A contingency plan for makeup days and allowances for storms and other school closings;
7. A proposed school calendar that will be used by the school if the waiver application is denied;

8. A professional development plan; and
9. An evaluation plan, including specific plans to evaluate:
 - a. ~~Student performance;~~
 - b. ~~Student use of facilities;~~
 - c. ~~Community use of facilities;~~
 - d. ~~a. The Quantifiable success rate of any innovations;~~
 - e. ~~b. The change in educational opportunities outcomes for students; and~~
 - f. ~~c. The change in academic opportunities for students; and~~
 - g. ~~Any costs savings attributable to the reconfiguration, including savings in staffing, energy, transportation, and maintenance costs.~~

History: Effective June 1, 2002; amended effective October 1, 2006; April 1, 2020; October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-04. Application process.

1. A completed ~~SFN 58170~~ online application must be submitted to the North Dakota department of public instruction. †

~~Superintendent of Public Instruction
Department of Public Instruction
600 East Boulevard Avenue, Department 201
Bismarck, ND 58505-0440~~

2. To be considered by the superintendent, an application under this chapter must be received in the department on or before ~~March first~~ January fifth of the year prior to the year for which a ~~reconfigured~~ four-day school week calendar is sought.

3. The superintendent will review each application and approve, approve with modifications as provided under section 67-15-02-06, or deny the application.

4. Notice of the superintendent's decision will be mailed by electronic mail to the school district's reported administrator and business manager or by first-class mail to the applicant on or before ~~April~~ February fifteenth of the year prior to the year for which a ~~reconfigured~~ four-day school week calendar is sought.

5. At the discretion of the superintendent, four-day school week proposals may be approved for an entire school district or for one or more school buildings within a school district.

History: Effective June 1, 2002; amended effective October 1, 2006; October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-05. Evaluation of applications.

Each application for a ~~reconfigured~~ four-day school week calendar must be evaluated by the superintendent using the following criteria:

1. The impact of the ~~reconfiguration plan~~ four-day school week proposal on the period of instructional time. Under this criterion the superintendent will consider:

a. Whether the elementary students will receive at least nine hundred sixty-two and one-half hours each year under the ~~plan proposal~~; and

b. Whether the middle and high school students will receive at least one thousand fifty hours of instructional time.

2. The superintendent must also find ~~one of the following two or more subdivisions of this subsection~~ to be a likely result of the ~~reconfiguration~~ four-day school week proposal:

a. That the ~~proposed plan proposal~~ encourages innovation. Under this criterion the superintendent will consider:

(1) Educational trends relevant to the ~~proposed reconfiguration~~ four-day school week proposal;

(2) Research relevant to the ~~proposed reconfiguration~~ four-day school week proposal; and

(3) The likelihood that instructional staff will develop and use innovative means of instruction, resulting in improved educational outcomes.

b. That the ~~proposed plan proposal~~ will improve educational ~~opportunities~~ outcomes for students. Under this criterion the superintendent will consider:

(1) ~~Educational opportunities available to students under the existing configuration~~ Current educational outcomes; and

(2) ~~Educational opportunities available to students~~ Expected educational outcomes if the ~~reconfiguration plan~~ four-day school week proposal is adopted.

c. That the ~~proposed plan proposal~~ will enhance the academic opportunities of the students attending the school. Under this criterion the superintendent will consider:

- (1) Academic opportunities available to students under the existing configuration; and
- (2) Academic opportunities available to students if the reconfiguration plan four-day school week proposal is adopted.

d. That the proposed plan will allow current students greater flexibility in the use of the school facilities. Under this criterion the superintendent will consider:

- (1) Existing facility use by current students;
- (2) The flexibility in use of school facilities available to current students under the existing configuration; and
- (3) The flexibility in use of school facilities available to current students if the reconfiguration plan is adopted.

e. That individuals or groups other than current students will have greater flexibility in the use of the school facilities. Under this criterion the superintendent will consider:

- (1) Existing facility use by individuals and groups other than current students;
- (2) The flexibility in use of school facilities available to individuals or groups other than current students under the existing configuration; and
- (3) The flexibility in use of school facilities available to individuals or groups other than current students if the reconfiguration plan is adopted.

f. That the reconfiguration plan will result in significant cost-savings to the district applying. Under this criterion the superintendent will consider:

- (1) Present costs of the district;
- (2) Proposed reductions in the district's costs; and
- (3) The difference between the present costs to the district and the proposed costs under the reconfigured plan will be considered significant if the present costs are anticipated to exceed the proposed costs by forty dollars per student.

History: Effective June 1, 2002; amended effective October 1, 2006; April 1, 2020; October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-06. Modifications to applications.

At any time prior to ~~March first~~ January fifth of the year prior to the school year the ~~proposed reconfiguration plan~~ four-day school week proposal is to take effect, an applicant may submit additional information to the superintendent for consideration as part of the application.

History: Effective June 1, 2002; Amended effective October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-07. Term of ~~reconfiguration plan~~ four-day school week proposal - Application for extension.

~~1. If approved, a school's reconfiguration plan~~ initial four-day school week proposal is valid for one year.

~~2. A school may request the superintendent to extend the reconfiguration plan~~ initial four-day school week proposal for an additional year. ~~If granted, the first extension after the initial year is valid for one school year. A request for a one-year extension will be granted only if:~~

~~a. The application for extension is received by the superintendent prior to January fifth of the school year in which the initial four-day school week is in place; and~~

~~b. The school followed the four-day school week proposal as approved by the superintendent.~~

~~3. All extensions thereafter are valid~~ A school may request to extend the four-day school week proposal beyond the initial extension for one or five school years. The final determination for awarding a one-year extension or a five-year extension is made by the superintendent. A request for extension will be granted only if:

~~1. a. The application for extension is received by the superintendent prior to July first~~ January fifth of the school year ~~after the year~~ in which the ~~reconfiguration was implemented~~ initial extension of the four-day school week proposal is in place;

~~2. b. The school followed the reconfiguration plan~~ four-day school week proposal as approved by the superintendent; ~~and~~

~~c. The requisite number of instructional hours for elementary and high school students has been delivered; and~~

3. d. The school can demonstrate meeting the requirements of at least one paragraph of this subdivision:

a. The requisite number of instructional hours for elementary and high school students has been delivered; and b. Under the reconfiguration plan either: (1) That leading, quantifiable indicators suggest improved educational outcomes are reasonably expected in the following school year Innovation occurred in the school;

(2) Enhanced That enhanced educational or academic opportunities were provided to the students outcomes were achieved during the initial school year, as measured by the state's performance accountability system that is reported during the fall of the initial extension school year;

(3) There was greater flexibility in the use of the school by students, nonstudents, or organizations That additional educational opportunities were provided to students without a decline in educational outcomes during the initial school year, as measured by the state's performance accountability system that is reported during the fall of the initial extension school year; or

(4) The school had substantial financial savings as a result of the reconfiguration The applicant is considered to be in the top twenty percent of the state's schools, as measured by the state's performance accountability system that is reported during the fall of the initial extension school year.

(5) In the event that the applicant does not meet any of paragraphs 1, 2, 3, or 4 of this subdivision, the school will be notified that sufficient progress was not made. The superintendent will notify the school by September thirtieth of the initial extension school year the specific interim expectations that must be met. The school must demonstrate meeting these expectations by January fifth of the initial extension school year. If unable to demonstrate meeting the superintendent's expectations by January fifth, the school must return to a five-day school week the following school year.

4. A school operating under a four-day school week beyond its initial extension may request to extend the four-day school week proposal beyond the initial extension for one or five school years, as determined by the superintendent. A request for extension will be granted only if:

a. The application for extension is received by the superintendent prior to January fifth of the final school year of the current term of extension of the four-day school week proposal;

b. The school followed the four-day school week proposal as approved by the superintendent;

c. The requisite number of instructional hours for elementary and high school students has been delivered; and

d. The school can demonstrate meeting the requirements of at least one paragraph of this subdivision:

(1) That leading, quantifiable indicators suggest improved educational outcomes are reasonably expected in the following school year;

(2) That enhanced educational outcomes were achieved during the current extension term, as measured by the state's performance accountability system;

(3) That additional educational opportunities were provided to students without a decline in educational outcomes during the current extension term, as measured by the state's performance accountability system; or

(4) The applicant is considered to be in the top twenty percent of the state's schools, as measured by the state's performance accountability system.

~~A request for extension of a reconfiguration plan may also be granted if a school demonstrates that the program has not resulted in a negative outcome in any of the four evaluation criteria set out in subdivision b of subsection 3 and more time is needed to assure a sufficient evaluation period.~~

History: Effective June 1, 2002; amended effective October 1, 2006; October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-08. Reconsideration.

If the applicant's request for ~~reconfiguration of the school calendar program~~ to operate under a four-day school week is denied, the denial must be in writing. The denial must state the reason for the denial. The notice of denial must be physically or electronically mailed to the applicant at the address provided for in the application and must include a notice of the opportunity to request a reconsideration. A request for reconsideration must be in writing and must be received by the superintendent within three weeks of the date of mailing by the department. Late requests for reconsideration will not be considered. The reconsideration request must state the following:

1. The facts, law, or rule the applicant believes was erroneously interpreted or applied; and
2. The applicant's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent of public instruction shall issue a final written response on the reconsideration request within three weeks after receiving a complete reconsideration request.

History: Effective June 1, 2002; Amended effective October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04

67-15-02-09. Monitoring.

1. The superintendent will monitor the ~~reconfiguration~~ four-day school week programs of applicants whose ~~programs proposals~~ are approved. The program of monitoring at a minimum will include ~~periodic~~ annual reports from the applicant setting forth:

1. ~~a.~~ The number of hours of instructional time provided to high school and elementary students respectively;
2. ~~b.~~ The enhanced educational ~~and academic opportunities~~ outcomes for students;
3. Any innovations resulting from the reconfiguration of the school calendar ~~c.~~ The enhanced academic opportunities for students;
4. ~~The use of school facilities by students;~~
5. ~~The use of school facilities by nonstudents and organizations;~~
6. ~~Any cost-savings attributable to the reconfiguration; and~~
7. ~~Any modifications to the approved reconfiguration program.~~

2. If, during the monitoring process, the superintendent determines that a four-day school week is having a negative impact on educational outcomes, the superintendent may revoke a school's four-day school week proposal prior to the conclusion of its current extension period. The effective date for revoking a four-day school year proposal must align with the end of the school year. If the superintendent revokes a school's four-day school week

proposal, the school must be notified no later than February fifteenth that they must return to a five-day school week during the following school year.

History: Effective June 1, 2002; Amended effective October 1, 2026.

General Authority: NDCC 15.1-06-08.1(2), 15.1-06-08.1(5), 28-32-02

Law Implemented: NDCC 15.1-06-08.1, 15.1-21-03, 15.1-21-04